

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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In Re: PHARMACEUTICAL INDUSTRY	:
AVERAGE WHOLESALE PRICE	:
LITIGATION	:
	:
THIS DOCUMENT RELATES TO:	: MDL NO. 1456
	:
STATE OF MONTANA v. ABBOTT	: Master File No. 01-CV-12257-PBS
LABORATORIES, INC. et al., Civil	:
Action No. 02-12084-PBS,	: Judge Patti B. Saris
	:
and	:
	:
STATE OF NEVADA v. AMERICAN HOME	:
PRODUCTS CORP. et al., Civil Action No.	:
02-12086-PBS	:
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~~RECEIVED~~ **SCHEDULING ORDER**

WHEREAS, plaintiffs Montana and Nevada each filed an action in their respective state courts on February 25, 2002 and March 7, 2002, respectively;

WHEREAS, such actions were removed to federal court in April 2002;

WHEREAS, the above captioned actions were transferred to this Court by the Judicial Panel on Multidistrict Litigation in October 2002;

WHEREAS, no responsive pleadings have been filed in the Montana action;

WHEREAS, plaintiffs intend to file amended complaints on or before August 1, 2003;

WHEREAS, defendants anticipate that they will move to dismiss the amended complaints;

WHEREAS, judicial economy would be best served if defendants are relieved from their obligation to answer the current Montana complaint;

IT IS HEREBY ORDERED as follows:

1. Defendants are relieved from their obligation to respond to the current Montana complaint.

2. Plaintiffs shall file amended complaints no later than August 1, 2003.

3. Defendants shall file responsive pleadings or otherwise move against the amended complaints by September 15, 2003.

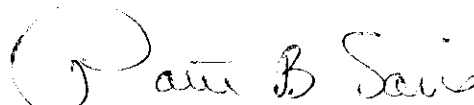
4. In the event that defendants move to dismiss the amended complaints, defendants shall file one consolidated memorandum not to exceed ²⁰~~forty (40)~~ pages in total, addressing issues common to all defendants. In addition to the consolidated memorandum, any defendant may file an individual supporting memorandum not to exceed five (5) pages addressing issues specific to that defendant.

5. Plaintiffs shall file and serve their opposition to any responsive motion(s) by ^{October 10, 2003}~~October 30, 2003~~. Plaintiffs' opposition to all responsive motions shall not exceed ^{20 pages plus five}~~sixty (60)~~ pages per defendant. pages in total.

6. Defendants shall file and serve any replies by ^{October 30}~~November 14, 2003~~. Any consolidated reply on issues common to all defendants shall not exceed twenty (20) pages, and any replies by individual defendants on issues specific to that defendant may not exceed three (3) pages.

7. Plaintiffs shall file and serve any surreply by ^{November 14, 2003}~~December 1, 2003~~. Plaintiffs' surreply shall not exceed forty (40) pages in total.

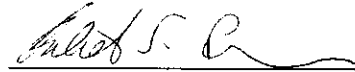
Dated: ^{August 13}~~July~~ __, 2003


Patti B. Saris
United States District Judge

A HEARING ON MOTIONS TO DISMISS IS SET FOR
DECEMBER 3, 2003, AT 2:00 P.M.

CERTIFICATE OF SERVICE

I certify that on July 16, 2003, a true and correct copy of the foregoing Joint Motion for Entry of Scheduling Order was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.



Juliet S. Sorensen

FILED
2003 JUL 16 PM 4:48
CLERK OF COURT
U.S. DISTRICT COURT
DISTRICT OF COLUMBIA